

was also scheduled to be consummated on or after December 27, 1996. MNR has also filed a related notice of exemption for 2 miles of trackage rights from BN in Erskine, MN, in *Minnesota Northern Railroad, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33337.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.³ A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

Decided: February 28, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-6032 Filed 3-11-97; 8:45 am]

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[STB Finance Docket No. 33337]¹

Minnesota Northern Railroad, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Minnesota Northern Railroad, Inc. (MNR) over a line of railroad between mileposts 31.0 and 33.0 near Erskine, MN. The transaction was expected to be consummated on January 15, 1997.

This transaction arises out of an agreement between BNSF and MNR

whereby MNR has acquired 204.1 miles of track, as well as certain incidental trackage rights. See the notice of exemption filed in *Minnesota Northern Railroad, Inc.—Acquisition and Operation Exemption—Burlington Northern Railroad Company*, STB Finance Docket No. 33315, and a related notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—Minnesota Northern Railroad, Inc.*, STB Finance Docket No. 33316. These transactions were scheduled to be consummated on or after December 27, 1996.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.² A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: February 28, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 97-6033 Filed 3-11-97; 8:45 am]

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[Finance Docket No. 32173 et al.¹]

Orange County Transportation Authority/ Riverside County Transportation Commission/ San Bernardino Associated Governments/ San Diego Metropolitan Transit Development Board/ North San Diego County Transit Development Board—Acquisition Exemption—The Atchison, Topeka And Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10502 and other remaining regulatory provisions of 49 U.S.C. Subtitle IV. The Board grants the petition of southern California transit agencies for: (1) a blanket exemption from 49 U.S.C. Subtitle IV to operate 9 rail lines acquired from The Atchison, Topeka and Santa Fe Railway Company subject to future compliance with requirements for the protection of employees and the environment; (2) clarification of the ICC's decision in *Orange County Transp.—Exempt.—Atchison, T. & S.F. Ry. Co.*, 10 I.C.C.2d 78 (1994); and (3) establishment of procedures to implement actions taken under blanket exemptions from 49 U.S.C. Subtitle IV.

DATES: The Board's decision will be effective on April 11, 1997. Petitions to stay must be filed by March 24, 1997. Petitions to reopen must be filed by April 1, 1997.

ADDRESSES: Send pleadings referring to Finance Docket No. 32173 et al. to: (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) petitioners' representative: Charles A. Spitulnik,

³ The Board is relocating on March 16, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

¹ Minnesota Northern Railroad, Inc. (MNR) filed the notice of exemption on January 8, 1997. MNR also filed a motion for a protective order on January 9, 1997. On January 13, 1997, the United Transportation Union (UTU) filed a petition to revoke the exemption, reject the notice, and/or stay the effectiveness of the notice. On January 14, 1997, a decision was served denying UTU's stay petition. The petition to reject or revoke and the motion for a protective order will be handled in separate decisions.

² The Board is relocating on March 16, 1997. See *Surface Transportation Board—1997 Office Relocation Business Plan*, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

¹ This proceeding includes Finance Docket No. 32172, *Los Angeles County Transportation Commission—Acquisition Exemption—The Atchison, Topeka and Santa Fe Railway Company*.